

BOARD OF SELECTMEN

Minutes of the Meeting of 5 July 2006 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Glowacki, Michael Kopko and Whiting Willauer. Chairman Willauer called the meeting to order at 7:00 PM, noting that the Harbor Plan item would be taken out of order with Board consent.

Announcements. None.

Public Comment. Kimberly Taylor complained about work being done at 76 Easton Street that has led to "extensive damage" at her adjacent property.

Nantucket Historical Association Special Events Manager Stacy Stuart requested that the request for a waiver of a tent fee be removed from the agenda.

Action on Harbor Plan Review Committee Mission Statement and Timeline. Harbormaster Dave Fronzuto provided updates as requested by the Board on June 28, 2006 such that the Board will have time for comment while adhering to the December 31 submission of the harbor plan to the state. Mr. Bennett moved to accept the timeline and mission statement as presented. Chairman Willauer seconded. So voted unanimously.

Approval of Minutes of 21 June 2006 at 7:00 PM, 14 June 2006 at 7:00 PM and 7 June 2006 at 7:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 2 July 2006. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 5 July 2006. The Board approved the treasury warrant and pending contracts by unanimous consent.

Public Hearings

1. Public Hearing in Connection with Renewal of Cable Television License (continued from June 21, 2006). Chairman Willauer welcomed comment from the public or the Board. Town Administrator Libby Gibson provided a status report and advised the Board that only certain items are negotiable and made a recommendation to close the hearing, which had not been done previously. Resident Christine Silverstein urged the Board to "maximize possibilities for public information and government channels." Mr. Bennett moved to close the public hearing. Ms. Gibson provided information about the public hearing process. Mr. Chadwick seconded the motion. So voted unanimously with Mr. Glowacki abstaining.

2. Public Hearing to Review Applications for Committee Vacancies: Harbor Plan Review Committee and Sewer Advisory Committee. Chairman Willauer reviewed appointments made on June 28, 2006 to the Conservation Commission, Finance Committee and Cultural Council for which designation of end terms is required on some of the seats. For the Conservation Commission, Mr. Kopko moved to assign the 2009 term-end seats to Virginia Andrews and to Sarah Oktay and to assign David Gray to the vacancy with the term ending in 2007. Mr. Chadwick seconded. So voted unanimously. For the Finance Committee, the Board consented to assign three seats with

terms ending in 2009 to Greg Keltz, Christy Kickham, and Rick Ulmer and to assign to Emily Avery, the seat with a term end of 2007. The Board consented to the assignment of Ms. Sevrens and Ms. Gookin to the two seats to the Cultural Council expiring in 2009. So voted unanimously.

Chairman Willauer invited applicants to speak and the Board posed questions in turn to applicants for the two at-large seats on the Harbor Plan Review Committee. Present and speaking were Cormac Collier, Diane Coombs, Phillip Gallagher, Rob Garrison, Stephen O'Brien and Christine Silverstein. Ron Shepherd was absent. Next, the Board welcomed comments from those applying for one of five seats on the Sewer Advisory Committee. Present and speaking were Charity Benz, Phillip Gallagher, Barbara Gookin, David Gray, Finn Murphy, Nancy Wheatley and Scott White. Howard Blitman, Brent Leslie and Richard O'Neil were absent. Chairman Willauer noted next steps and announced openings still existing for other committees.

Citizen/Departmental Requests

1. Nantucket Steamship Authority Representative: Update on Pending Legislation Pertaining to the Steamship Authority. SSA Representative Flint Ranney introduced the matter of the pending legislation and its potential impact on the Steamship Authority and the Town of Nantucket. SSA General Manager Wayne Lamson welcomed questions on Senate Bill 2459, a bill "relative to binding arbitration." SSA Counsel Steven Sayers spoke about the consequences of the "dangerous bill." Discussion followed on the required approvals (of the Senate, the House and then the Governor) for the bill to pass. Frank Spriggs asked a question "about operations" in order to receive a senior citizen discount.

2. Nantucket Historical Association: Request for Waiver of Tent Permit Fees. This item was removed from consideration as per the request of the NHA earlier.

3. Nantucket Historical Association: Request for Waiver from Noise Bylaw. NHA Special Events Manager Stacy Stuart provided information about the applicable event. Mr. Bennett moved to approve the request for a waiver of the noise bylaw from 10:00 PM to 10:30 PM on August 5, 2006 for an event at Eleanor Ham Pony Field on Mill Street on the condition that the NHA notifies its neighbors of the half hour extension. Mr. Chadwick seconded. So voted unanimously.

4. NP & EDC: Request for Acceptance of 2007-2010 Transportation Improvement Program (TIP). Transportation Planner Mike Burns provided information on the proposed TIP schedule and described current projects. He requested endorsement of the TIP schedule by the Board to the Nantucket Planning and Economic Development Commission. He then gave an update on several on-going bicycle path and traffic related projects. James Kenny of 111 Cliff Road spoke in opposition to 'Option 4A' for the proposed Cliff Road bicycle path extension on the north side of Cliff Road as his house lies "closer than any house" to the bike path so proposed. Mr. Chadwick noted that this issue is an agenda item for the County meeting to follow the Selectmen's meeting. Mr. Bennett moved to approve the TIP for 2007-2010 as presented by Mr. Burns. Mr. Chadwick seconded. So voted unanimously.

Town Administrator's Report

1. Request for Execution of Purchase & Sale Agreement with Regard to a Town-Owned Parcel of Land (9 Rhode Island Avenue) in Accordance with Article 86 of 2004 Annual Town Meeting. Ms. Gibson provided information on this follow-up activity. Mr. Chadwick moved to approve the Purchase and Sale documents for 9 Rhode Island Avenue to Elwood and Cynthia Johnson. Mr. Kopko seconded. So voted unanimously.

2. Review of Board of Selectmen Meeting Schedule for July, August, September. Chairman Willauer reviewed the basic outline of the schedule. Mr. Glowacki referred to the ambitious list of goals adopted by the Board for 2006-07 and indicated the need for adequate lead time in preparing the schedule to prioritize these including the budget review process and revisiting the auto limitations matter. Chairman Willauer moved to accept the timeline. Mr. Bennett seconded. Mr. Bennett, Mr. Chadwick, Mr. Kopko and Chairman Willauer voted in favor. Mr. Glowacki was opposed.

3. Review of Timeline for October 2006 Special Town Meeting. Ms. Gibson provided an explanation of the dates indicated. Discussion followed on opening and closing dates of the warrant.

Selectmen's Reports/Comment

1. Action on Harbor Plan Review Committee Mission Statement and Timeline. This matter was addressed earlier in the meeting.

2. Action on Interim Appointment Policy and "Rector Rule" Regarding Committee Appointments. Mr. Kopko requested that the Board create a policy for filling interim vacancies. Mr. Bennett and Chairman Willauer spoke in support of filling vacancies. Discussion followed on the process of advertising as usual for fairness. Mr. Bennett moved to uphold the Rector Rule when necessary, but when an interim appointment is required, to overlook that rule. Ms. Gibson clarified that seats aren't left empty and spoke in support of following the process with exceptions for urgent situations. Mr. Glowacki moved to advertise for current openings and to follow through to allow a public hearing and then make appointments. Mr. Kopko seconded. So voted unanimously.

Discussion followed on the 30-day waiting period and the preferred means for changing that time frame. Mr. Kopko moved to change the 30 days to 7days. Mr. Bennett seconded. Barry Rector spoke on the intent of the article he had initially proposed to town meeting to provide for transparency and openness. He spoke against "throwing people in at the last minute" but suggested using the deliberate steps of the process and stressed the importance of keeping the entire process in place. Mr. Chadwick moved to amend the motion to add "with the knowledge that this flies contrary to the will of the people of the April 9, 2001 Annual Town Meeting." Mr. Glowacki seconded. On the amendment, Mr. Chadwick and Mr. Glowacki voted in favor. Mr. Bennett, Mr. Kopko and Chairman Willauer voted in opposition. Phil Gallagher spoke in support of the 30-day timeframe between the public hearings and the appointments to allow for public responses to applicants. Mr. Chadwick moved to amend the motion to add "the Board of Selectmen would set aside Article 58 of the 2001 annual Town Meeting." Mr. Glowacki seconded. On the amendment,

Minutes of the Meeting of 5 July 2006 at 7:00 PM
Page IV

Mr. Chadwick and Mr. Glowacki voted in favor. Mr. Bennett, Mr. Kopko and Chairman Willauer were opposed. The amendment failed. Mr. Kopko moved to amend the motion to change 30 days to 14 days. Chairman Willauer seconded. Mr. Bennett, Mr. Kopko and Chairman Willauer voted in favor of the amendment. Mr. Chadwick and Mr. Glowacki voted in opposition. On the main motion, Mr. Bennett and Mr. Kopko and Chairman Willauer voted in favor. Mr. Chadwick and Mr. Glowacki voted in opposition.

The meeting adjourned at 9:41 PM.

Approved the 19th day of July 2006.